
The 24th Magha, 1935 (S. E.)

**THE HIGH COURT OF MEGHALAYA
SHILLONG**

NOTIFICATIONS

The 3rd February, 2014.

No.HCM.II/144/2013/266.

In partial modification of Notification dated 30th January, 2014, Smti.Daphira Rynjah, Deputy Registrar (Estt.), High Court of Meghalaya, Shillong is granted earned leave for 11 (eleven) days w.e.f., 18.2.2014 to 28.2.2014 on private affairs suffixing 1.3.2014 & 2.3.2014 being holiday and sunday as admissible under the Rule with permission to leave station.

The officer would have continued to hold the same post had she not proceeded on leave and there is every likelihood of her return on expiry of leave.

REGISTRAR GENERAL

The 3rd February, 2014.

No.HCM.II/333/2013/302-15.

The High Court of Meghalaya is pleased to post the following Judicial Officers in Grade-I under the Meghalaya Judicial Service as indicated below :-

1. Shri Noor-Ain Khan posted as Member Secretary, Meghalaya State Legal Services Authority, subject to the approval of the State Government vice Shri A.M. Ripnar, District & Sessions Judge, Shillong.
2. Smti Belma Mawrie posted as Additional District & Sessions Judge and Judge, Fast Track Court, Shillong vice Smti M.B.Challam, Additional District & Sessions Judge, Fast Track Court, Shillong.
3. Smti Gasalynn Rani posted as Additional District & Sessions Judge, Shillong.

The incumbents who are now functioning in their respective posts in Shillong are to hand over charge with immediate effect to their successors in office.

By Order,

REGISTRAR GENERAL

The 4th February, 2014.

No.HCM.II/10/2014/15.- In supersession of the powers delegated under all previous orders, Hon'ble the Chief Justice, High Court of Meghalaya is pleased to order revision of powers of delegation as under with effect from the date of issue of this Notification:-

**POWERS DELEGATED TO REGISTRAR GENERAL AND
SUBORDINATE AUTHORITIES**

Sl. No	Nature of Powers	Authority	Extent of Powers	General conditions, if any
1	2	3	4	5
1	Financial sanction to New Scheme approved by Government.	Registrar General	Full powers subject to recommendation of Departmental Committee.	Subject to Budget provision and approval of Hon'ble Chief Justice.
2	Renewal of sanction to continuing Scheme	Registrar General	Full power upto the limit approved by Finance Committee.	Subject to Budget provision and approval of Hon'ble Chief Justice.
3	To accord Administrative Approval to Plans and Estimates for Civil Works to be carried out by P.W.D.	Registrar General	Full Power subject to approval of Finance Committee	Subject to Budget provision and the Plan and Estimates framed / scrutinised by the competent P.W.D. authorities.
4	To accord Administrative Approval and sanction expenditure on works to be departmentally executed :			
	(a) Original Works.	Registrar General	₹ 8,00,000.00	Subject to Budget provision and Plan and Estimates framed and scrutinized by competent P.W.D. Authorities and approval of Finance Committee and works to be executed departmentally through Contractor
	(b) Petty construction Works.	Registrar General	₹ 1,00,000.00	Subject to Budget provision and recommendation of Tender Committee

1	2	3	4	5
5	Sanction miscellaneous expenditure in any individual case or object for which no scale or limit to its power of sanction is prescribed : (a) Recurring : (b) Non-Recurring :	Registrar General	₹ 10,000.00 in any single case ₹ 20,000.00 in any individual case	Subject to approval of Finance Committee
6	Sanction deputation of Officer / Personnel of High Court on an approved course of Training or Instruction / Conference / Seminar / Workshop :	Registrar General	Full power subject to approval of Chief Justice.	For a period not exceeding six months & provided it is in conformity with approved guidelines. The period of deputation shall be treated as on duty and the person deputed will be entitled to pay and allowances. TA/DA including Lodging Allowance. No deputation vacancies shall be filled up.
7	Sanction expenditure on training course / seminar / workshop.	Registrar General	Upto ₹ 1,00,000.00 in a year	Subject to Budget provision and approval of Finance Committee.
8	Accept Tenders	Registrar General	Full Power	Subject to recommendation of Tender Committee.
9	Sanction for payments of claims of employees arrears of pay and allowances or to increment, TA/DA, Medical Reimbursement, etc. and claims of persons not in Government service which have been allowed to remain in abeyance for a period not exceeding six years (i.e., time – barred claims.)	Registrar General	Full Power	Time – barred claim exceeding six years subject to approval of Chief Justice.

1	2	3	4	5
10	To sanction expenditure on Office Expenses / contingencies.	Registrar General		
	(1) Purchase of Computer / Laptops / Printing Machines / Xerox Machines / Fax & Risograph Machines / Office equipments, e.g. Clocks, Electrical Fans, Tables Fans, etc. and replacements thereof.		Full Power subject to limit of ₹ 5,00,000.00 in a year	Subject to Budget provision. Purchase should be made from Government approved firms and at approved rates and / or on recommendations of the Purchase Board where the purchase in each case exceeds ₹ 50,000.00. In case of replacements, certified by to authorized Agents / Dealers of the Company / Suppliers and recommendation of committee constituted for the purpose.
	(2) Cost of repairs including cost of spare parts of items specified under item (1) above.		Upto ₹ 20,000.00 in each case and limit of 50,000.00 in a year	Subject to Budget provision. In cases exceeding the limit / scale, approval of the Finance Committee.
	(3) Purchase of consumables, software peripheral, etc.		Upto ₹ 20,000.00 in each case and limit of ₹ 50,000.00 in a year.	
	(4) Local purchase of stationeries.		Full Power	Subject to Budget provision. The purchase is made from Government approved Firms and at approved rates and / or the Firms approved by the Purchase Board.
	(5) Cost of repairs and maintenance of departmental vehicles:		Full Power	In case of major repairs / overhauls, subject to the report of the D.T.O.
	(6) Purchase Tyres / Tubes / Batteries and Accessories including fixtures and fittings.		Full Power	
	(7) Expenditure on P.O.L. bills, hiring charge of vehicles, wages of Drivers / Handymen engaged on casual basis.		Full Power	

1	2	3	4	5
	(8) Sanction to printing works in local Printing Presses Firms. (9) Cost of Advertisement, etc.		Full Power Full Power	Subject to routing the materials through DIPR, where necessary
11	Purchase of furniture or replacement of old ones.	Registrar General	Upto ₹ 50,000.00	Subject to : (i) Availability of Fund. (ii) Observance of procedure. (iii) Furniture to be approved type and scale, and (iv) Purchase Board recommendation
12	Purchase of Books, Maps, Manuals, Periodicals, Magazines, News Papers, etc.	Registrar General	Full Powers	Subject to budget provision and recommendation of Purchase Board and / or Library or Committee constituted for the purpose
13	Fixation of remuneration of Lawyers.	Registrar General	Full Power	Subject to the scale laid down by Government and / or recommendation / approval of Finance Committee.
14	Sanction write – off of irrecoverable value of stores including furniture, public money lost by fraud, theft or negligence of individuals or other cases.	Registrar General	Upto ₹ 10,000.00 in any single case.	Subject to approval of the Finance Committee and observance of relevant rules and guidelines.
15	Write off of unserviceable stores, etc.	Registrar General	Full Power	Subject to the condition that the articles / stores have been specified as unserviceable by the Condemnation Committee and are disposed of by sale through public auction.
16	Sanction expenditure on acquisition of Cell Phones for Hon'ble Chief Justice, Hon'ble Judges, Registrar General, Registrar and Other High Court Officers.	Registrar General	Full Power subject to the approved scales.	

1	2	3	4	5
17	Sanction expenditure of reimbursement of charges for utilization of Cell Phones.	Registrar	Full Power subject to approved scales	Subject to the limit laid down by Finance Committee and furnishing the Cell Phone charge bills.
18	Sanction Dress Allowance Conveyance Expenses to Private Secretaries :	Registrar General	Full Power subject to approved scales.	Subject to furnishing certification of maintenance of serviceable conveyances.
19	Sanction supply of liveries to Grade IV employees.	Registrar General	Full Power	Subject to Budget provision and other direction.
20	Sanction to expenditure on tour expenses of Hon'ble Chief Justice	Registrar General	Full Power	Subject to Budget provision and scales laid down.
21	Sanction expenditure on entertainment and hospitality of VIP hosted by Hon'ble Chief Justice	Registrar General	Full Power	Subject to Budget provision and the approval of Hon'ble Chief Justice for extending the hospitality indicating the details of persons on whom expenditure is made to be recorded in writing.
22	Sanction expenditure on furnishing of residences of Hon'ble Chief Justice and Hon'ble Judges.	Registrar General	Full Power	Subject to Budget provision and approved scales and the articles purchased are within the prescribed limits.
23	Sanction reimbursement for medical expenses of Hon'ble Chief Justice, his family and Hon'ble Judges & Family Members	Registrar General	Full Power	Subject to Budget provision and entitlements under Rules/Orders.

By Order,

REGISTRAR GENERAL

The 3rd February, 2014.

No.HCM.II/333/2013/317-330.

As per approval of Hon'ble the Chief Justice, High Court of Meghalaya, the following Judicial Officers holding the charge as Additional District & Sessions Judge and i/c District & Sessions Judge in their respective Districts are hereby regularized as District & Sessions Judge as indicated below :

1. Smti B.Giri posted as District & Sessions Judge, Jowai;
2. Shri A.M.Ripnar posted as District & Sessions Judge, Shillong;
3. Shri E.Kharumnuid posted as District & Sessions Judge, Tura;
4. Smti M.B.Challam posted as District & Sessions Judge, Nongpoh.

This Notification shall supersede all Notifications issued earlier in this regard.

By Order,

REGISTRAR GENERAL

Shillong, the 3rd February, 2014.

HIGH COURT OF MEGHALAYA CAVEAT RULES, 2014

No.HCM.II/430/2013/279. - In exercise of powers conferred by Article 225 of the Constitution of India and all other powers enabling in this behalf, the High Court of Meghalaya, makes the following Rules relating to Caveats –

1. These Rules shall be called High Court of Meghalaya Caveat Rules, 2014 and shall come into force from the date the same are notified.

2. Every Caveat to be lodged under Section 148A of the C.P.C shall be drawn up in the manner prescribed in Form 'A' annexed herewith and filed in "The Filing Section of the High Court of Meghalaya."

3. All Caveats shall be accompanied by Postal Receipt of service of notice of the Caveat by Registered Post with A.D on the person by whom the application has been expected to be made, in respect of which the Caveat is being lodged under Section 148A, sub-section(1).

Provided that in a case where Caveat is lodged in pending proceeding, instituted through Advocate, the Caveator shall also annex to his caveat a receipt showing service of such caveat by the said Advocate.

4. Every caveat shall contain the following particulars :

a) Name and full postal address of the person lodging caveat.

b) Name of the applicant in respect of whose application the caveat is intended to be lodged and the full postal address of such applicant.

c) The Court by which the decree or order referred to in the caveat was passed together with the number and the year of the suit or proceeding in which the decree or order was passed.

d) Particulars of the proceeding of the High Court, in case the caveat is being lodged in a pending proceeding with reference to which the caveat is being lodged.

e) Value of the suit or proceeding.

f)(i) A statement that the notice of the caveat had been served on the person by whom the application in respect of which the caveat is being lodged has been or is expected to be made.

(ii) Every caveat shall bear requisite court fee stamp.

(iii) Every caveat shall be signed and dated either by the person lodging the caveat or his Advocate.

(iv) When a caveat is being lodged through an Advocate, a Vakalatnama executed by the Caveator and accepted by the said Advocate shall be annexed to the caveat and such a

Vakalatnama will remain in the force for the purpose of appearance on behalf of the Caveator in the proceeding instituted and in all matters arising therefrom or connected therewith.

5. When a Caveat is not in proper form or is otherwise defective, the Registrar General/Deputy Registrar may allow the defects to be removed within such time as the Registrar General/Deputy Registrar may direct.

6.(i) All caveats in respect of applications expected to be made in any proceeding to be instituted shall be entered in the appropriate Register to be maintained and the said Register shall contain the following particulars :

- a. Serial number
- b. Date
- c. Name of Caveator with address
- d. The name of the applicant with address
- e. Number and nature of the proceeding to be instituted
- f. Valuation of the proceeding
- g. Number and year of the suit or other proceeding in which the order or decree had been passed and with relation to which the application is expected to be made.
- h. The Court which passed that decree or order.

(ii) All Caveators in respect of applications made or expected to be made in any proceeding pending shall forthwith be incorporated in the records of that proceeding and the fact of the lodging of such caveat shall be recorded in the order sheet under the date and signature of the Superintendent of that Department dealing with the said proceeding.

7. A caveat shall form part of the proceeding in connection with which the same is lodged. The caveat in respect of which no proceeding in connection with which the same is lodged. The caveat in respect of which no application is filed within the time prescribed by sub-section 5 of Section 148A of the Code be deposited in the Filing Section and be preserved for one year. Immediately on presentation of a caveat it shall form part of the proceeding and on the covering page of Part 1 File A of the High Court there should be a seal with appropriate signature of the officer in charge of the Filing Section. The seal should be conspicuous so that the attention of the Court might be drawn from the impression that the caveat has been filed in the proceeding. Such seal and signature should be there in the second Judge's copy as well.

8. No caveat shall be entered in the Register unless the application is accompanied by a self addressed envelope with requisite postal stamp for registration and other costs required to be

deposited by the Registrar General or the Deputy Registrar for service of notice upon the caveator under Section 148A (30 of the C.P.C).

9. A Court fee of `20/- or Court fee prescribed by the Court Fee Act shall be affixed on every caveat. Every caveat shall be entered in the Register of Caveats maintained for the purpose and examined by the Stamp Reporter of the High Court. If he finds that the caveat complies with the requirements, he shall make an endorsement on the caveat examined and may be registered. If he finds that the caveat does not comply with the requirements, he shall place the matter immediately before the Registrar General or Deputy Registrar for necessary orders.

10. A caveat return for non compliance with the provision of the Rules or provisions of Section 148A of the Code may be presented afresh if rectified within the time granted by the Registrar General or the Deputy Registrar.

11. An affidavit shall state the rights and interest of the caveator and the grounds of objection to the application.

12. Immediately upon entry in the Register of caveats, the Stamp Reporter shall place the Register before the Registrar General or Deputy Registrar for necessary orders. After lodgment of a caveat the Caveator or the person by whom the caveat has been lodged, shall also be referred as "the caveator" and shall cause due notice of the caveat, serve in accordance with the provisions of Section 148(1), if any.

13. After a caveat has been lodged under Section 148A(1), if any application, suit/appeal is filed in respect of which the caveat has been filed, the Court shall serve a notice of the application/suit/appeal to the Caveator provided the Caveator has deposited the requisite cost and expenses for such service of notice upon him.

14. The address for service on the caveator must be within a radius of five kilo meters from the Court house. The Caveator shall expressly state the person on whom the caveat should be served, if the caveator is found absent. If the caveator is found absent, a person or his agent appointed for the purpose is also not found at the residence indicated by the applicant. However, if the caveator authorizes his lawyer to accept notice, service on his lawyer will be sufficient service of notice for the purpose of Section 148.

FORM – I**IN THE HIGH COURT OF MEGHALAYA**

(Civil/Criminal Appeal/Revisional/Original Jurisdiction)

In the matter of

An application (set out the particulars)

An appeal from (set out the particulars)

-And-

In the matter of

Name of the Caveator

Plaintiff/Defendant/Appellant/Respondent/Petitioner/Opposite Party.

In the proceeding in the Court below or authority below.

To

The Registrar General/Deputy Registrar(Judicial), High Court of Meghalaya,
Shillong

Sir,

Under Section 148A of the C.P.C, I am lodging a caveat in respect of an application/appeal/revision which is expected to be made/has been made in a proceeding instituted/about to be instituted in this High Court, let no order be made on such application except on notice to me. I am furnishing the necessary particulars hereunder.

Yours faithfully,

PARTICULARS

- a. Name and full postal address of the person lodging caveat.
- b. Name of the application in respect of whose application the caveat is intended to be lodged and the full postal address of such applicant.
- c. The Court by which the decree or order referred to in the caveat was passed together with the number and year of the suit or proceeding in which the decree or order was passed.
- d. Particulars of the proceeding of the High Court in case the caveat is being lodged in a pending proceeding with reference to which the caveat is being lodged.
- e. Value of the suit or proceeding.
- f. A statement as to how the notice of the caveat has been served on the person by whom the application in respect of which the caveat is being lodged has been ordered is expected to be made.
- g. Name and address of the advocates appearing on behalf of the caveator on whom due service shall be deemed to be proper service on the caveator, or such address of the caveator or his agent for service on the caveator within a radius of ten kilometers from the Court house.

By Order,

REGISTRAR GENERAL

Shillong, the 3rd February, 2014.

HIGH COURT OF MEGHALAYA LEGAL AID RULES, 2014

PART – I

No.HCM.II/430/2013/280. - In exercise of powers conferred by Article 225 of the Constitution of India and all other powers enabling it in this behalf, the High Court of Meghalaya makes the following Rules with the prior approval of the State Government of Meghalaya, in so far as they relate to payment of fees to Advocate appearing for the undefended accused in the proceedings before the High Court, namely :

1. Short Title and commencement – (1) These Rules may be called the High Court of Meghalaya Legal Aid Rules, 2014.

2. They shall come into force from the date of their publication in the official gazette.

3. Definitions – In these Rules, unless the context otherwise requires –

(a) “Advocate” means a person enrolled under the Advocates Act, 1961 and entitled as of right to practice in the High Court.

(b) “Code” means the Code of Criminal Procedure, 1973, as amended from time to time.

(c) “High Court” means the High Court of Meghalaya.

(d) “List” means the list of Advocates prepared and maintained by the High Court under these Rules.

PART – II

3. **Report regarding means of the accused** – (1) When a sentence of death is referred by a Sessions Judge to the High Court for confirmation under the provisions of Section 366 of the Code of Criminal Procedure, 1973, the Sessions Judge shall submit the report to the High Court whether the accused person was represented by a counsel in a Court, and whether the accused has sufficient means to engage an Advocate for his defence in the High Court.

(2) When an accused person has been called upon by the High Court to show cause by a lesser sentence should be enhanced to a sentence of death or imprisonment for life, the concerned District Magistrate, on receipt of notice for service upon the person called upon to show cause, shall submit as report to the High Court whether the accused has sufficient means to engage an Advocate.

(3) When the case of an accused charged with the commission of an offence punishable with death or imprisonment for life, as the case may be is withdrawn by the High Court for trial

before itself from any court subordinate to it under Section 407 of the Code, the court from which such case is withdrawn shall submit a report to the High Court whether the accused was represented before it or has sufficient means to engage a counsel for his defence in the High Court.

(4) When on appeal against the acquittal from a charge of an offence is admitted by the High Court, the District Magistrate on receipt of a notice to that behalf, shall report whether the accused has sufficient means to engage a counsel for his defence in the High Court.

4. Satisfaction of High Court about the means of accused for assignment of an advocate – If the High Court is satisfied on the report of the Sessions Judge or District Magistrate or the Presiding Judge of any Subordinate Criminal Court, as the case may be, or otherwise it shall assign an Advocate to defend the accused at Government expense.

5. Preparation of list – (1) The High Court shall for the above purposes, maintain a list of competent and willing advocates having not less than seven years practice at the Bar; provided that the Chief Justice may, for any special reason relax the condition of seven years practice to four years with respect to any advocate.

(2) The list shall contain the names of 30 to 40 advocates, which shall be revised in the month of December every year.

6. Assignment of an Advocate - (1) When an Advocate is required the Chief Justice or any other Judge to be nominated by him in this behalf, shall assign from the list an Advocate to defend the accused.

(2) Where an advocate is so assigned the Deputy Registrar (Judicial) shall at least 15 days, before the case is listed for actual hearing, arrange to furnish to him the paper book, if any, free of cost and shall also allow, free of cost inspection of the records of the case by the Advocate.

PART – III

7. Scale of Fees – (1) The ordinary fee payable to an Advocate engaged for the defence of an accused in the High Court under these Rules, shall be `500/- per day and if the hearing lasts more than a day, a fee not exceeding `3000/- shall be paid to such an Advocate.

(2) In special case the Judge who disposed of the case may add to the ordinary fee allowed by sub-rule(1) additional fee not exceeding `3000/-

(3) In any case in which the fee authorized in sub-rule (2) above is manifestly inadequate, the Chief Justice may on the recommendation of the Judge or the Judges, as the case may be, grant a special bonus which shall not be more than `5000/- per case including the fee.

(4) No fee shall be payable when a case is adjourned without any proceedings being taken by the Court, except at the first hearing of the case;

Provided that if an Advocate has already been assigned for the defence of an accused and he is required to retire before the commencement of the hearing owing to the engagement of an Advocate by the accused himself, he will be entitled to get one day's fee as compensation.

8. **Payment of fees** – (1) The Legal Remembrancer of the State of Meghalaya shall be the Controlling Officer for the payment and audit of all fees due to Advocate engaged under these Rules for the defence of the accused in the proceedings before the High Court.

(2) The Advocates so engaged shall submit their bills within one month of the final disposal of the case to the Legal Remembrancer alongwith a certificate signed by the Deputy Registrar of the High Court.

(3) The certificate to be accompanied alongwith the bill as required by sub-rule (2) above, shall contain the detail of the total amount of fees allowed to the Advocate in each case.

By Order,

REGISTRAR GENERAL

Shillong, the 3rd February, 2014.

HIGH COURT OF MEGHALAYA SUPERINTENDENCE OF TRIBUNALS RULES, 2014.

No.HCM.II/430/2013/278. - In exercise of the powers conferred under clause (1) of Article 227 of the Constitution of India, the High Court of Meghalaya makes the following Rules –

1. Title – These Rules be called “The High Court of Meghalaya Superintendence of Tribunals Rules, 2014”.

2. These Rules shall come into force with effect from the date the same are notified.

3. Definitions – In these Rules, unless the context otherwise requires,

(i) Portfolio Judge means, a Judge of the High Court placed in charge of the administration of the Court and the Revenue District in which a Tribunal is located or specially designated to be in charge of administration of any Tribunal or Tribunals.

(ii) “High Court” means the High Court of Meghalaya

(iii) “Tribunal” means Tribunals in the State of Meghalaya which are included in the schedule attached hereto and all other Tribunals over which the High Court has the power of superintendence under Article 227 of the Constitution of India, irrespective of their nomenclature, which may from time to time be included in the Schedule.

(iv) “Year” for the purpose of these Rules shall be the English Calendar Year.

4. Every Tribunal shall submit to the High Court returns in such forms as may be prescribed and submit such other particulars, as may be required, in relation to its function, as may be called for by the High Court.

5. Norms for disposal – For the purpose of efficient and speedy disposal of cases by the Tribunals, the High Court may from time to time notify the quantum of work to be given by a Tribunal and review the work turned out by the Tribunals periodically and issue necessary instructions to ensure compliance with the prescribed norms.

6. Inspection by the Port-folio Judge – (1) There shall be periodical inspection of the Tribunal by the Port-folio Judge who may, for efficient discharge of the functions of Tribunals give such instructions or directions as considered necessary and the means shall be complied with.

7. Inspection by the Chief Justice – The Chief Justice may inspect any Tribunal, at any time for the purpose of ensuring efficient discharge of its functions.

SCHEDULE

1. Labour Courts
2. Industrial Tribunals
3. Motor Accident Claims Tribunals
4. State Transport Appellate Tribunals
5. Foreigners' Tribunal
6. Illegal Migrants (Determination) Tribunals
7. Board of Revenue and Revenue Tribunals
8. State Administrative Tribunal
9. Customary Courts and Courts constituted under laws made under Sixth Schedule to the Constitution and Courts constituted under special local laws within the jurisdiction of the High Court of Meghalaya.

By Order,

REGISTRAR GENERAL